

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Stephen Beggs and Joanne Beggs,
husband and wife,

Plaintiffs,

v.

Case No. 06-12453

Ambiente Company and Bed, Bath &
Beyond

Honorable Sean F. Cox

Defendants.

ORDER OF DISMISSAL
AS TO DEFENDANT AMBIENTE COMPANY

This action was filed on February 14, 2006, and was removed to this Court on June 1, 2006.

FED. R. CIV. P. 4(m) provides that “[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.”

On February 20, 2007, this Court issued an “Order Directing Plaintiff to Show Cause.” That Order explained that although this action was filed in this Court on June 1, 2006, a review of the docket revealed that no summons had been returned as to Defendant Ambiente Company and that the time for service under FED. R. CIV. P. 4(m) had expired. The Court therefore ordered Plaintiff to show cause in writing, on or before February 26, 2007, why this case should

not be dismissed for failure to effect timely service upon Defendant Ambiente Company.

Plaintiff has not filed any response to this Court's February 20, 2007 Order Directing Plaintiff to Show Cause. Accordingly, pursuant to this Court's February 20, 2007 Order, and FED. R. CIV. P. 4(m),

IT IS ORDERED that this action is hereby **DISMISSED WITHOUT PREJUDICE** as to Defendant Ambiente Company for failure to effect timely service.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 3, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 3, 2007, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager